

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS MARTEL,

Plaintiff,

No. CIV-S-04-0014 ALA P

vs.

CALIFORNIA DEPARTMENT
OF CORRECTIONS, et al.,
Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On August 8, 2007, this court granted defendants motion for summary judgment. Plaintiff filed a notice of appeal on August 27, 2007. On August 27, 2007, Plaintiff also filed a motion requesting an extension of time to submit his appellate brief.

When a party appeals to the Ninth Circuit Court of Appeals, the Ninth Circuit Court of Appeals then has jurisdiction over the matter. This court does not have jurisdiction to rule on a matter before the Ninth Circuit Court of Appeals. As such, Plaintiff's request is not ripe. If Plaintiff intended to seek an extension of time from the Ninth Circuit Court of Appeals, Plaintiff should file his request with the Ninth Circuit Court of Appeals.

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2 Therefore, IT IS HEREBY ORDERED that Plaintiff's request for an extension
3 of time to submit his appellate brief is denied.

4 DATED: August 29, 2007

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8 /s/ Arthur L. Alarcón
9 UNITED STATES CIRCUIT JUDGE
10 Sitting by Designation
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